

Service Date: December 3, 2002

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER OF RICKEY ROST AND)	TRANSPORTATION DIVISION
HARRY ELLIS, a Partnership, dba DISPOSAL)	
SERVICE COMPANY, Application for Certificate)	DOCKET NO. T-02.83.PCN
of Public Convenience and Necessity, Class D,)	ORDER NO. 6524a
Solid Waste, Custer and Prairie Counties, Montana)	

ORDER GRANTING APPLICATION

Introduction

On August 15, 2002, Rickey Rost and Harry Ellis, partners dba Disposal Service Company (Disposal Service), applied before the Public Service Commission (PSC) for temporary and permanent Class D (solid waste) motor carrier authority for service in Custer County and Prairie County, Montana. The applications (temporary and permanent) were protested by Waste Connections of Montana, Inc. (Waste Connections), and the Town of Terry (Terry), both being incumbent Class D carriers providing services in Disposal Service's requested service areas. The PSC has granted temporary authority to Disposal Service. *See, above docket, PSC Order No. 6524 (September 13, 2002).*

On October 18, 2002, Waste Connections filed a conditional withdrawal of protest. On October 19, 2002, Disposal Service filed a restrictively amended authority in compliance with Waste Connections' conditional withdrawal. On November 6, 2002, Terry stated telephonically that it has no objection to Disposal Service's amended authority. There is no remaining dispute regarding a PSC grant of permanent authority, as restrictively amended, to Disposal Service. The PSC grants the requested authority as amended.

Order

IT IS HEREBY ORDERED the application (as amended) of Rickey Rost and Harry Ellis, a partnership dba Disposal Service Company, for permanent Class D (solid waste) motor carrier authority is GRANTED as follows:

Class D -- Garbage between all points and places within the Miles City Solid Waste Disposal District as the same is delineated and has been adopted as of October 1, 2002 (map attached). Carrier is permitted to transport authorized commodities to certified landfills from territory authorized.

Done and dated this 7th day of November, 2002, by a vote of 5-0.

(NOTE: MAP REFERRED TO ABOVE IS AVAILABLE FOR REVIEW AT THE PUBLIC SERVICE COMMISSION OFFICES)

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

GARY FELAND, Chairman

JAY STOVALL, Vice Chairman

BOB ANDERSON, Commissioner

MATT BRAINARD, Commissioner

BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Order Granting Operating Authority in Docket T-02.83.PCN was today served on all parties of record to that docket.

MAILING DATE: December 3, 2002

FOR THE COMMISSION

FIRST CLASS MAIL:

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AS ITS INTEREST MAY APPEAR:

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